

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

TEXAS MEDICAL ASSOCIATION, *et al.*,

Plaintiffs,

v.

U.S. DEPARTMENT OF HEALTH AND HUMAN
SERVICES,

U.S. DEPARTMENT OF LABOR,

U.S. DEPARTMENT OF THE TREASURY,

OFFICE OF PERSONNEL MANAGEMENT,

and the

CURRENT HEADS OF THOSE
AGENCIES IN THEIR OFFICIAL
CAPACITIES,

Defendants.

Lead Case: No. 6:22-cv-00372-
JDK

DECLARATION OF STEVEN SHEPARD

1. My name is Steven M. Shepard. I am a partner at Susman Godfrey LLP, and am counsel to Plaintiffs LifeNet, Inc. and East Texas Air One LLC.

2. On Thursday, November 16, 2022, I participated in a telephonic meet-and-confer with counsel for Defendants, regarding Defendants' contention that my clients' Amended Complaint was improper and prejudicial to Defendants. Counsel for the Texas Medical Association also participated in this phone call. During the call, I proposed that the parties agree to a separate supplemental briefing schedule regarding any challenges Defendants wished to make

regarding East Texas Air One. I stated that my clients would be willing to accommodate any reasonable requests, regarding timing and page limits, that Defendants might make.

3. On Monday, November 21, counsel for Defendants informed me by email that Defendants had rejected the proposal of supplemental briefing, and that if East Texas Air One did not withdraw the Complaint, then Defendants would move to strike it.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: December 6, 2022

BY:

/s/ Steven M. Shepard
Steven M. Shepard (*pro hac vice*)